

## (Caption of Case)

Application of Duke Energy Progress, LLC for  
Approval of Rider 9, Demand-Side Management and  
Energy Efficiency

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET  
NUMBER: 2017 - 245 - E

(Please type or print)

Submitted by: Stephanie U. EatonSC Bar Number: 80073Address: 110 Oakwood Drive, Suite 500Telephone: 336.631.1062Winston-Salem, NC 27103Fax: 336.725.4476

Other: \_\_\_\_\_

Email: seaton@spilmanlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

Print Form

Reset Form

August 10, 2017

**Via SCPSC E-FILING DMS**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, SC 29210

**Re: Application of Duke Energy Progress, LLC for Approval of Rider 9, Demand-Side  
Management and Energy Efficiency  
Docket No. 2017-245-E**

Dear Ms. Boyd:

Please find attached for electronic filing with the Public Service Commission of South Carolina ("Commission") a copy of the Petition to Intervene on behalf of Wal-Mart Stores East, LP, and Sam's East, Inc. (together, "Walmart"), in the above-referenced matter. By copy of this letter, I am serving all parties of record via Electronic Mail and First Class Mail.

Please contact us if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By

Stephanie U. Eaton  
(SC Bar No. 80073)

Derrick Price Williamson  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Lara R. Brandfass  
[lbrandfass@spilmanlaw.com](mailto:lbrandfass@spilmanlaw.com)

Counsel to Wal-Mart Stores East, LP and Sam's East, Inc.

SUE/sds  
Attachments  
c: Certificate of Service

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2017-245-E

IN RE: Application of Duke Energy Progress,	)	<b>PETITION TO INTERVENE OF</b>
LLC for Approval of Rider 9, Demand-Side	)	<b>WAL-MART STORES EAST, LP,</b>
Management and Energy Efficiency	)	<b>AND SAM'S EAST, INC.</b>
	)	

---

Pursuant to Rule 103-825 and other applicable rules and regulations of the South Carolina Public Service Commission ("Commission"), Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, respectfully requests that the Commission permit it to intervene and become a party in the above-captioned matter. In support of its Petition to Intervene, Walmart submits as follows:

1. On August 1, 2017, Duke Energy Progress, LLC ("DEP" or "Progress"), filed an Application for approval of Rider 9, Demand Side Management ("DSM") Programs and Energy Efficiency ("EE") ("Application"). The Application was filed pursuant to S.C. Code Ann. Section 58-37-20 (Supp. 2016), 10 S.C. Code Ann. Regs. 103-819 and 823 (Supp. 2016), the Rules of Practice and Procedure of the Public Service Commission of South Carolina.

2. Walmart is a global retailer of goods and services and also operates throughout the United States. Walmart's principal energy management office is located at 2001 SE 10<sup>th</sup> Street, Bentonville, AR 72716-0550.

3. Walmart has the privilege of providing its retail services in the State of South Carolina. Walmart is a large commercial customer of DEP. Walmart has 17 retail stores and related facilities in South Carolina that are served by DEP. Walmart purchases approximately 35 million kWh annually from DEP. Electricity is one of the largest operating costs faced by

Walmart. As a result, any modification to DEP's electric rates and terms of service has the potential to substantially impact Walmart's operations in South Carolina. Further, Walmart is dedicated to its own investment in DSM and EE and therefore is very interested in participation in this case. As such, Walmart has a direct and substantial interest in the outcome of this proceeding. In addition, as a large commercial customer that purchases substantial amounts of electric and related services from DEP pursuant to multiple accounts at multiple locations, Walmart has an interest in this proceeding that is not represented by any other party.

4. The attorneys representing Walmart in this proceeding are:

Stephanie U. Eaton  
Spilman Thomas & Battle, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC  
Phone: (336) 631-1062  
Fax: (336) 725-4476  
E-mail: [seaton@spilmanlaw.com](mailto:seaton@spilmanlaw.com)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050  
Phone: (717) 795-2740  
Fax: (717) 795-2743  
E-mail: [dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Lara R. Brandfass  
Spilman Thomas & Battle, PLLC  
300 Kanawha Boulevard, East  
Charleston, WV 23501  
Phone: (304) 340-3780  
Fax: (304) 340-3801  
E-mail: [lbrandfass@spilmanlaw.com](mailto:lbrandfass@spilmanlaw.com)

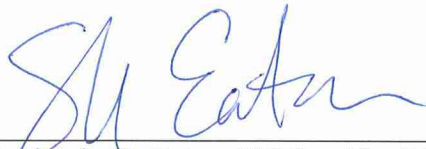
Ms. Eaton is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also respectfully requests that Mr. Williamson and Ms. Brandfass be added jointly to the service list as Walmart may seek Mr. Williamson's and Ms. Brandfass' admissions to appear before the Commission *pro hac vice* in the near future.

5. This Petition to Intervene is timely filed as no intervention deadline has yet been set.

**WHEREFORE**, Wal-Mart Stores East, LP and Sam's East, Inc., respectfully request that it be granted leave to intervene and be made a party to the above-captioned proceeding.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By   
Stephanie U. Eaton (SC Bar No. 80073)  
Spilman Thomas & Battle, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
Phone: (336) 631-1062  
Fax: (336) 725-4476  
E-mail: [seaton@spilmanlaw.com](mailto:seaton@spilmanlaw.com)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050  
Phone: (717) 795-2740  
Fax: (717) 795-2743  
E-mail: [dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Lara R. Brandfass  
Spilman Thomas & Battle, PLLC  
300 Kanawha Boulevard, East  
Charleston, WV 23501  
Phone: (304) 340-3780  
Fax: (304) 340-3801  
E-mail: [lbrandfass@spilmanlaw.com](mailto:lbrandfass@spilmanlaw.com)

*Counsel to Wal-Mart Stores East, LP, and Sam's East, Inc.*

Dated: August 10, 2017



STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2017-245-E

IN RE:	)	
Application of Duke Energy Progress, LLC	)	<b>CERTIFICATE OF SERVICE</b>
For Approval of Rider 9, Demand-Side	)	
Management and Energy Efficiency	)	

I hereby certify that I have this day served one (1) copy of the foregoing document upon the following parties to this proceeding via Electronic Mail and First Class Mail:

Andrew M. Bateman, Esq.  
Jenny R. Pittman, Esq.  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
[abateman@regstaff.sc.gov](mailto:abateman@regstaff.sc.gov)  
[jpittman@regstaff.sc.gov](mailto:jpittman@regstaff.sc.gov)

Frank R. Ellerbe, III, Esq.  
William H. Jordan, Esq.  
Sowell Gray Robinson Stepp & Laffitte, LLC  
P.O. Box 11449  
Columbia, SC 29211  
[fellerbe@sowellgray.com](mailto:fellerbe@sowellgray.com)  
[wjordan@sowellgray.com](mailto:wjordan@sowellgray.com)

Rebecca Dulin, Esq.  
Duke Energy Corporation  
1201 Main Street, Capital Center Building  
Suite 1180  
Columbia, SC 29201  
[rebecca.dulin@duke-energy.com](mailto:rebecca.dulin@duke-energy.com)



Stephanie U. Eaton (SC Bar No. 80073)

Dated: August 10, 2017